

State of South Dakota

SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

257J0153

SENATE BILL NO. 191

Introduced by: Senators Napoli, Apa, Greenfield, Jaspers, Kleven, and Sutton (Duane) and
Representatives Hennies, Elliott, Fryslie, Hackl, Haverly, LaRue, McCoy, and
Rhoden

1 FOR AN ACT ENTITLED, An Act to provide for the removal of certain noncommercial motor
2 vehicle license plates from a motor vehicle if the ownership of the vehicle is transferred.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If the ownership of a vehicle registered pursuant to the provisions of this chapter is
7 transferred or assigned, the registration of the vehicle expires and the transferor shall remove
8 the number plates from the vehicle. The failure of the transferor to remove the number plates
9 pursuant to this section, the transferor is guilty of a Class 2 misdemeanor.

10 Section 2. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 A transferor pursuant to section 1 of this Act who has removed number plates from a motor
13 vehicle shall, within thirty days, either:

14 (1) Affix the number plates to any vehicle acquired by the transferor; or

15 (2) Destroy the number plates.



1 If the transferor affixes the number plates to any vehicle, the transferor shall register the
2 vehicle within thirty days.

3 Any violation of this section is a Class 2 misdemeanor.

4 Section 3. That § 32-5-2.5 be amended to read as follows:

5 32-5-2.5. A person who acquires a motor vehicle required to be annually registered shall,
6 at the time of application for a certificate of title or transfer of title, ~~renew the vehicle's~~
7 ~~registration by purchasing license plates or validation decals which would be valid~~ register the
8 vehicle until the appropriate month assigned to the person for renewal by § 32-5-2.2. ~~The person~~
9 ~~who acquires a vehicle that is registered in this state shall be given credit for all full months~~
10 ~~remaining on the vehicle's unexpired registration.~~ This section does not apply if the vehicles are
11 exempted from the excise tax by § 32-5B-2.

12 Section 4. That § 32-5-55 be amended to read as follows:

13 32-5-55. Any owner of a motor vehicle, who is a resident of this state, who is a regularly
14 enlisted or commissioned member of the South Dakota National Guard, other than an inactive
15 member thereof, and who has complied with all of the laws of this state in relation to the
16 registration of a motor vehicle, may receive plates bearing a distinctive number and design, and
17 designating the person as a member or retired member of the South Dakota National Guard. The
18 number plates shall be designed by the adjutant general and subject to the approval of the
19 department. ~~The distinctive plates shall be in addition to the regular number plates issued for~~
20 ~~the motor vehicle pursuant to § 32-5-98. The distinctive plates shall be displayed as set forth in~~
21 ~~§ 32-5-98 and the regular number plates shall be kept on or in the motor vehicle.~~

22 Section 5. That § 32-5-59 be amended to read as follows:

23 32-5-59. Each member of the South Dakota National Guard shall apply to the county
24 treasurer of the county of ~~his residence for the issuance of regular number plates for the~~

1 ~~member's residence for registration of~~ the motor vehicles owned by ~~him the member~~. The guard
2 member, in order to receive the distinctive plates, shall have paid the fee for the regular number
3 plates and submitted the registration slip for the regular number plates to the adjutant general
4 required pursuant to § 32-5-6.

5 Section 6. That § 32-5-62 be amended to read as follows:

6 32-5-62. If any member of the South Dakota National Guard is discharged, separated, or
7 furloughed ~~therefrom~~ to a reserve or inactive status, the adjutant general shall, before relieving
8 the member, require ~~him the member~~ to surrender the distinctive number plates identifying ~~him~~
9 the member as a member of the South Dakota National Guard. The distinctive plates shall be
10 surrendered to the adjutant general who shall notify the secretary who shall make the necessary
11 changes in his registration file. The vehicle owner shall ~~retain~~ obtain and display the regular
12 number plates ~~issued under § 32-5-55~~ as set forth in § 32-5-98.

13 Section 7. That § 32-5-63 be amended to read as follows:

14 32-5-63. If at any time a motor vehicle subject to the distinctive number plates issued for
15 the national guard shall be sold, conveyed, or otherwise transferred by the member or retired
16 member of the South Dakota National Guard to whom such distinctive number plates have been
17 issued, ~~he the member~~ shall notify the adjutant general. The adjutant general shall process a new
18 registration indicating the motor vehicle to which the distinctive plates are to be transferred and
19 send it to the department. The secretary shall make the necessary changes in the file. The
20 department shall notify the applicant of any corrections which need to be made.

21 ~~—The regular number plates shall remain with the motor vehicle to which they were issued.~~
22 ~~If the motor vehicle to which the distinctive plates are being transferred does not have valid~~
23 ~~regular number license plates, the guard member shall obtain regular number license plates.~~

24 Section 8. That § 32-5-65 be amended to read as follows:

1 32-5-65. Any commercial radio station or broadcasting company that holds an unrevoked
2 and unexpired official license issued by the federal communications commission or employees
3 of such station or company when requested and approved by the station or the company, and
4 who are residents of this state and have complied with all the laws of this state in ~~obtaining~~
5 ~~regular number plates for such~~ registering the motor vehicle may apply for a set of distinctive
6 plates bearing an inscription thereon of the call letters authorized for the station or company
7 radio license by making application therefor as provided in § 32-5-66. ~~The distinctive plates are~~
8 ~~in addition to the regular number plates issued for the motor vehicle.~~ The distinctive plates shall
9 be displayed as set forth in § 32-5-98 ~~and the regular number plates shall be kept on or in the~~
10 ~~motor vehicle.~~ A ten dollar fee shall be charged for the distinctive plates and for the renewal
11 stickers. This fee shall be in addition to any fee required pursuant to § 32-5-6. If the federal
12 communication commission's license is revoked, the owner shall surrender the distinctive
13 license plates to the department. If the employee is no longer employed by the station or the
14 broadcasting company, the employee shall surrender the distinctive license plates to the
15 department. The secretary shall make the necessary changes in his registration file. ~~The owner~~
16 ~~shall retain the regular number plates.~~ Failure to surrender the distinctive license plates as
17 required by this section is a Class 2 misdemeanor.

18 Section 9. That § 32-5-65.1 be amended to read as follows:

19 32-5-65.1. Any owner of a motor vehicle who holds an unrevoked and unexpired official
20 amateur radio license, is a resident of this state, and has complied with all the laws of this state
21 in ~~obtaining regular number plates for such~~ registering the motor vehicle may apply for a set of
22 distinctive plates bearing an inscription ~~thereon~~ of the call letters authorized for ~~his~~ the owner's
23 amateur radio license by making application therefor as provided in § 32-5-66. ~~The distinctive~~
24 ~~plates are in addition to the regular number plates issued for the motor vehicle.~~ The distinctive

1 plates shall be displayed as set forth in § 32-5-98 ~~and the regular number plates shall be kept on~~
2 ~~or in the motor vehicle~~. A ten dollar fee shall be charged for the distinctive plates and for
3 renewal stickers. This fee shall be in addition to any fee required pursuant to § 32-5-6. If the
4 amateur radio license is revoked, the owner shall surrender the distinctive license plates to the
5 department. The secretary shall make the necessary changes in ~~his~~ the registration file. ~~The~~
6 ~~owner shall retain the regular number plates~~. Failure to surrender the distinctive license plates
7 as required by this section is a Class 2 misdemeanor.

8 Section 10. That § 32-5-76 be amended to read as follows:

9 32-5-76. An owner of a motor vehicle, who is a resident of this state, who has complied with
10 all the laws of this state in ~~obtaining regular number license plates for~~ registering the motor
11 vehicle, and who operates or directs the operation of the vehicle, may submit to the county
12 treasurer an application containing a physician's certificate on a form approved by the secretary,
13 stating that the applicant is a person with a substantial physical disability that makes it
14 impossible or causes substantial hardship to walk. The secretary shall promulgate ~~a rule~~ rules,
15 pursuant to chapter 1-26, defining a person with a physical disability. The county treasurer shall
16 procure, issue, and deliver to the applicant plates with letters, numbers, or symbols, or any
17 combination thereof, as the secretary may prescribe. The plates shall be designed to readily
18 apprise law enforcement officers of the fact that the motor vehicle is owned, operated, or used
19 in transporting a person with a substantial disability. No charge may be made for the issuance
20 of the distinctive plates. ~~The distinctive plates shall be in addition to the regular number plates~~
21 ~~issued for the motor vehicle~~. However, any fee required pursuant to § 32-5-6 shall be paid
22 annually. The distinctive plates shall be displayed as set forth in § 32-5-98 ~~and the regular~~
23 ~~number plates shall be kept on or in the motor vehicle~~. If the applicant is no longer a person with
24 a physical disability or is deceased, the distinctive plates shall be surrendered within thirty days

1 to the county treasurer of the applicant's residence, and the treasurer shall notify the secretary
2 who shall make the necessary changes in the registration file. ~~The regular number plates shall~~
3 ~~remain with the motor vehicle to which the plates were issued.~~ Failure to surrender the
4 distinctive license plates as required by this section is a Class 2 misdemeanor. It is a Class 1
5 misdemeanor to submit a false or fraudulent application.

6 Section 11. That § 32-5-89.3 be amended to read as follows:

7 32-5-89.3. Application for special personalized license plates shall be made on forms
8 prescribed by the secretary. Upon the receipt of a properly completed application form and
9 payment of a fee of twenty-five dollars for any motor vehicle other than a motorcycle, the
10 department shall order the special plates. The fee for a personalized license plate for a
11 motorcycle is twenty dollars. Upon issuance of the personalized license plates, the owner shall
12 display the special plates on the assigned vehicle. ~~The regular plates assigned to the vehicle shall~~
13 ~~be kept in or on the vehicle.~~ Any number plates previously issued for the vehicle shall be
14 removed from the vehicle.

15 Personalized license plates shall be validated with distinctive stickers and are valid only for
16 the registration year for which the stickers are issued. The annual fee for personalized license
17 plate validation stickers for a motor vehicle other than a motorcycle is twenty-five dollars. The
18 annual fee for a personalized license plate validation sticker for a motorcycle is twenty dollars.
19 During the year originally issued, the personalized license metal plate fee includes the cost of
20 that year's validation sticker. ~~Special personalized plates and current year validation stickers are~~
21 ~~not in lieu of regular plates or the applicable license fees prescribed in this chapter.~~ The fees
22 provided by this section are in addition to any fee required pursuant to § 32-5-6 or 32-5-9. The
23 fees for personalized plates and validation stickers shall be credited to a fund to be known as
24 the license plate special revenue fund.

1 Section 12. That § 32-5-108 be amended to read as follows:

2 32-5-108. Any resident veteran owner of a motor vehicle who has received the United States
3 Veterans' Administration K Award, meets the qualifications established by Public Law 187 of
4 the Eighty-second Congress for a veteran to receive an automobile, or a veteran who has been
5 rated as in receipt of a statutory benefit for loss or loss of use of one or more extremities, or a
6 veteran who receives a veteran's allotment for total disability under compensation which is
7 considered a service-connected injury, upon application to the department shall receive a set of
8 distinct license plates ~~in addition to a set of regular number license plates~~. The distinctive plates
9 shall be displayed as set forth in ~~§ 32-5-98 and the number plates shall be kept on or in the~~
10 ~~motor vehicle~~. The design of the license plate shall consist of a white background bordered on
11 the left by a blue field with white stars and on the right by alternating red and white stripes. The
12 words, "Disabled Veteran", shall be inscribed on the plate in blue, in at least ten point bold type.
13 The license plate shall be reflectorized and validated each year with a sticker ~~in the same~~
14 ~~manner as a noncommercial license plate~~. License fees for the distinctive plates ~~and the regular~~
15 ~~number plates~~ shall be ten dollars ~~for both~~ and ten dollars for the renewal stickers. No license
16 fee or sticker fee pursuant to § 32-5-6 may be charged to the veteran. The fees shall be deposited
17 in the license plate special revenue fund.

18 In order to qualify for a special license plate pursuant to this section, a veteran shall, in
19 addition to meeting the qualifications established in the first paragraph, have incurred ~~his~~
20 disabling injuries while serving the United States in active duty during a time of war or while
21 participating in a military mission involving armed conflict. If it is determined that the veteran
22 owner does not qualify for the distinctive plates or if the veteran owner dies, the plates shall be
23 surrendered to the county treasurer of applicant's residence. The treasurer shall notify the
24 secretary who shall make the necessary changes in the registration file. ~~The regular number~~

1 ~~plates shall remain with the motor vehicle to which they were issued.~~ Failure to surrender the
2 distinctive license plates as required by this section is a Class 2 misdemeanor.

3 Section 13. That § 32-5-109 be amended to read as follows:

4 32-5-109. Any resident of this state who was a prisoner of war while serving in the United
5 States armed forces and who received an honorable discharge from the United States armed
6 forces is eligible to apply to the secretary for special motor vehicle license plates if ~~he~~ the
7 resident has first complied with all laws of this state in ~~obtaining standard~~ registering the motor
8 vehicle ~~license plates~~. Each application shall be on a form prescribed by the secretary and shall
9 include certification of the applicant's prisoner of war status from the United States Veterans'
10 Administration. The applicant shall pay a ten dollar fee and shall receive ~~both~~ distinctive plates
11 ~~and regular number plates~~. The ~~regular number plates shall be kept on or in the motor vehicle,~~
12 ~~and the~~ distinctive plates shall be displayed as set forth in § 32-5-98. A fee of ten dollars shall
13 be paid for the renewal stickers. No registration fee or sticker fee may be charged to the
14 applicant pursuant to § 32-5-6. The fees shall be deposited into the license plate special revenue
15 fund. Upon approval of the application, the secretary shall issue the license plates which shall
16 be numbered consecutively, beginning with the number 1, and the number shall be preceded by
17 the letters POW. If it is determined that an applicant does not qualify for the distinctive plates
18 or if the applicant dies, the plates shall be surrendered to the county treasurer of the applicant's
19 residence. The treasurer shall notify the secretary who shall make the necessary changes in the
20 registration file. ~~The regular number plates shall remain with the motor vehicle to which they~~
21 ~~were issued.~~ Failure to surrender the distinctive license plates as required by this section is a
22 Class 2 misdemeanor.

23 Section 14. That § 32-5-109.1 be amended to read as follows:

24 32-5-109.1. Any resident of this state who was serving in the United States armed forces and

1 survived the attack at Pearl Harbor, Hawaii, on December 7, 1941, and who received an
2 honorable discharge, may apply to the secretary for special motor vehicle license plates. Each
3 application shall be on a form prescribed by the secretary and shall include such information as
4 the secretary may require. The applicant shall pay a ten dollar fee and shall receive both
5 distinctive plates ~~and regular number plates. The regular number plates shall be kept on or in~~
6 ~~the motor vehicle, and the,~~ distinctive plates shall be displayed as set forth in § 32-5-98. A fee
7 of ten dollars shall be paid for the renewal stickers. No registration fee or sticker fee may be
8 charged to the applicant pursuant to § 32-5-6. The fee shall be deposited into the license plate
9 special revenue fund. Upon approval of the application, the secretary shall issue the license
10 plates. The license plates shall be numbered consecutively beginning with number 1 and contain
11 a symbol to be determined by the secretary indicating that the owner of the vehicle is a Pearl
12 Harbor survivor. If it is determined that an applicant does not qualify for the distinctive plates
13 or if the applicant dies, the plates shall be surrendered to the county treasurer of the applicant's
14 residence. The treasurer shall notify the secretary who shall make the necessary changes in the
15 registration file. ~~The regular number plates shall remain with the motor vehicle to which they~~
16 ~~were issued.~~

17 Section 15. That § 32-5-109.2 be amended to read as follows:

18 32-5-109.2. Any resident veteran owner of a motor vehicle who has received the Purple
19 Heart Medal may apply to the secretary to receive a maximum of two sets of distinct license
20 plates. Such distinctive license plates and the renewal stickers for the plates shall be issued only
21 upon proof of payment of the current registration fees ~~for regular plates issued by a county~~
22 ~~treasurer pursuant to § 32-5-6.~~ The distinctive plates shall be numbered consecutively beginning
23 with number 1 and contain a symbol to be determined by the secretary indicating that the owner
24 has received the Purple Heart Medal. The distinctive plates shall be displayed as set forth in

1 ~~§ 32-5-98 and the number plates shall be kept on or in the motor vehicle.~~ The distinctive license
2 plate shall be reflectorized and validated each year with a sticker in the same manner as a
3 noncommercial license plate. No license fees may be charged for the distinctive plates and its
4 renewal stickers. If it is determined that the veteran owner does not qualify for the distinctive
5 plates or if the veteran owner dies, the plates shall be surrendered to the county treasurer of the
6 applicant's residence. The treasurer shall notify the secretary who shall make the necessary
7 changes in the registration file. ~~The regular number plates shall remain with the motor vehicle~~
8 ~~to which they were issued.~~ Failure to surrender the distinctive license plates as required by this
9 section is a Class 2 misdemeanor.

10 Section 16. That § 32-5-109.3 be amended to read as follows:

11 32-5-109.3. Any resident veteran owner of a motor vehicle who has received the
12 Congressional Medal of Honor may apply to the secretary to receive a maximum of two sets of
13 distinctive license plates. The distinctive plates shall be numbered and contain a symbol to be
14 determined by the secretary indicating that the owner has received the Congressional Medal of
15 Honor. The symbol shall include a facsimile of the medallion portion of the Congressional
16 Medal of Honor for the branch of the armed forces in which the recipient served at the time the
17 award was earned. The distinctive plates shall be displayed as set forth in § 32-5-98~~and the~~
18 ~~number plates shall be kept on or in the motor vehicle.~~ The distinctive license plate shall be
19 reflectorized and validated each year with a sticker ~~in the same manner as a noncommercial~~
20 ~~license plate.~~ No license fees may be charged for the distinctive plates and its renewal stickers;
21 ~~and any.~~ Any annual vehicle registration fees pursuant to § 32-5-6 or other fees associated with
22 the plates and renewal stickers are waived. If it is determined that the veteran owner does not
23 qualify for the distinctive plates, the plates shall be surrendered to the county treasurer of the
24 applicant's residence. The treasurer shall notify the secretary who shall make the necessary

1 changes in the registration file. The ~~regular number plates shall remain with the motor vehicle~~
2 ~~to which they were issued, except that the~~ distinctive plates may be retained by the veteran
3 owner's family upon the veteran owner's death, but may not be displayed on the vehicle beyond
4 the expiration of the plates or renewal stickers. Failure to surrender the distinctive license plates
5 as required by this section is a Class 2 misdemeanor.

6 Section 17. That § 32-5-113 be amended to read as follows:

7 32-5-113. Any owner of a motor vehicle, who is a resident of this state, who is a firefighter
8 and who has complied with all of the laws of this state in relation to the registration of a motor
9 vehicle, may receive plates bearing a distinctive number and design, and designating such
10 person as a firefighter. Such number plates shall be designed by the fire marshal and subject to
11 the approval of the Department of Revenue and Regulation. ~~The distinctive plates shall be in~~
12 ~~addition to the regular number plates issued for the motor vehicle pursuant to § 32-5-98. The~~
13 ~~distinctive plates shall be displayed as set forth in § 32-5-98 and the regular number plates shall~~
14 ~~be kept on or in the motor vehicle.~~

15 Section 18. That § 32-5-118 be amended to read as follows:

16 32-5-118. Each ~~firefighter shall apply to the county treasurer of the county of his residence~~
17 ~~for the issuance of regular number plates for the motor vehicles owned by him. The firefighter,~~
18 ~~in order to receive the distinctive plates, shall have paid the fee for the regular number plates~~
19 ~~and submitted the registration slip for the regular number plates to the Department of Revenue~~
20 pursuant to § 32-5-6.

21 Section 19. That § 32-5-120 be amended to read as follows:

22 32-5-120. ~~Whenever~~ If any firefighter is discharged, separated, or retires ~~he~~ the firefighter,
23 shall surrender the distinctive number plates identifying ~~him~~ the firefighter as a firefighter. The
24 distinctive plates shall be surrendered to the secretary of revenue who shall make the necessary

1 changes in his the registration file. ~~The firefighter shall retain the regular number plates issued~~
2 ~~under § 32-5-113.~~

3 Section 20. That § 32-5-121 be amended to read as follows:

4 32-5-121. If at any time a motor vehicle subject to the distinctive number plates issued for
5 the firefighter shall be sold, conveyed, or otherwise transferred by the firefighter to whom such
6 distinctive number plates have been issued, ~~he~~ the firefighter shall notify the Department of
7 Revenue. The Department of Revenue shall process a new registration indicating the motor
8 vehicle to which the distinctive plates are to be transferred. The secretary shall make the
9 necessary changes in the file. The department shall notify the applicant of any corrections which
10 need to be made.

11 ~~—The regular number plates shall remain with the motor vehicle to which they were issued.~~
12 ~~If the motor vehicle to which the distinctive plates are being transferred does not have valid~~
13 ~~regular number license plates, the firefighter shall obtain regular number license plates.~~

14 Section 21. That § 32-5-123 be amended to read as follows:

15 32-5-123. Any owner of a motor vehicle who is a resident of this state and who has
16 complied with all of the laws of this state in relation to the registration of a motor vehicle may
17 receive plates bearing a distinctive design identifying an Indian tribe located within the state.
18 Such special license plates shall be issued only upon proof of payment of the current registration
19 ~~fees for regular plates issued by a county treasurer of this state. The distinctive plates shall be~~
20 ~~in addition to the regular number plates issued for the motor vehicle pursuant to § 32-5-98,~~
21 pursuant to § 32-5-6, for the vehicle. The distinctive plates shall be displayed as set forth in
22 § 32-5-98 ~~and the regular number plates shall be kept on or in the motor vehicle.~~ Annual
23 renewal of these special plates shall be in accordance with the general provisions of this chapter.

24 Section 22. The effective date of this Act is January 1, 2006.